

✓ PPS 504-D
27 JAN, 1959

APPENDIX

AFGHAN-IRANIAN FRONTIER TREATY

Following is the text of the frontier treaty signed between Afghanistan and Iran as published by the Kabul newspaper Anis of 17 November 1958.⁷

Whereas it was deemed desirable to strengthen the existing cordial relations and neighborly ties between the monarchical state of Afghanistan and the imperial state of Iran, His Majesty the King of Afghanistan and His Imperial Majesty the Shah of Iran have agreed to reach a treaty between the two states for the settlement of any frontier difficulties or border incidents. They, therefore, appointed the following two commissions with complete authority to draw up the treaty.

Representative of His Majesty the King of Afghanistan: His Excellency Mohammad Hashem Meywandwal, Political Deputy Minister of Foreign Affairs of Afghanistan.

Representative of His Imperial Majesty the Shah of Iran: His Excellency Nasrullah Behnam, Minister Plenipotentiary and charge d'affaires of the Iranian embassy in Kabul.

The above two, fully authorized, representatives exchanged their credentials which were found to be proper and authentic; and they agreed on the following items.

Article 1. The Royal Government of Afghanistan and the Imperial Government of Iran shall appoint 3 commissioners each along the frontiers of their respective states,

The headquarters and offices of the Afghan commissioners shall be located at the following places:

1. Chakhansuz
2. Kalata Nazar
3. Islam Qala

The headquarters and offices of the Iranian commissioners shall be located at the following places:

1. Zabul
2. Yazdan
3. Khwaf and Bakharaz

Note. Frontier commissioners can, if necessary, have one or two Grade 2 deputies.

Article 2. The commissioners and all members of their staffs shall be full citizens of their respective states.

Article 3. When a commissioner on one side of the frontier, without having any plausible reason, acts in some way beyond the scope of his authority and contrary to the duties assigned to him, or when he is negligent or disinterested in attending to his duties, the commissioner on the other side of the frontier shall have the right to request through diplomatic channels the removal of the commissioner concerned, provided that he has failed to settle the differences through direct negotiation with the commissioner concerned. The complaining commissioner shall forward the necessary proof with his request.

Article 4. Each frontier commissioner shall have the authority to appoint a member of his staff to see to certain minor issues, previously notified to the opposite commissioner, or to attend to certain urgent problems defined in Article 5 below. Any action of this official shall, however, be under the direct supervision or with the approval of the commissioner concerned. The commissioners shall introduce such officials fully to their opposite numbers.

The frontier commissioners shall convene a meeting once a month, if necessary, to consider any frontier problems and to draw up a minute of their activities. When an incident calls for an urgent meeting, any commissioner shall be authorized to invite his opposite number for a meeting between the commissioners or their deputies. The commissioner who receives the invitation shall present himself at the place desired as soon as possible. When a commissioner cannot go for a specific reason, he shall inform the other commissioner concerned accordingly.

Article 5. The duties of the frontier commissioners shall be the following.

A. They shall employ every means available to prevent armed or unarmed persons from forming bands for robbery along the frontier lines, to prevent them from trespassing the other side of the frontier, and to prevent any propaganda or instigations against the opposite side of the frontier.

B. As soon as a frontier commissioner receives any information concerning the intention of a person or persons to engage in armed or unarmed robbery at the relevant frontier region, he shall inform his opposite number. As far as possible this information shall be conveyed before any attempt for robbery is made.

C. When an incident or robbery takes place on one side of the frontier, and the commissioner has informed the commissioner on the other side of the frontier, the second commissioner shall provide all facilities to prevent the culprits from taking refuge on his side of the frontier.

D. The commissioners shall prevent smuggling of goods from one country into another.

E. Frontier commissioners shall be authorized to settle and make judgements on any disputes between frontier residents on both sides of the frontier lines.

Frontier commissioners shall not be authorized to settle any territorial frontier disputes or any disputes over the use of frontier waters. They shall refrain from interfering in political and internal affairs of the country on the other side of the frontier line. R

F. When frontier guards and authorities chasing robbers and trespassers find that the culprits have fled to the other side of the frontier line, they shall invite the frontier guards and authorities of the other side to cooperate in capturing the culprits.

The latter frontier authorities and guards shall examine the evidence and shall undertake to pursue the culprits, capture them, and hand them over to the authorities on the other side of the frontier. They shall likewise return any goods captured from robbers.

When the authorities concerned fail to pursue the culprits effectively, the frontier commissioner of the opposite side shall lodge a complaint to the commissioner on his opposite side, and the latter commissioner shall insure that the matter receives the necessary attention. If no satisfactory results are obtained within 5 days, the commissioner concerned can call a meeting of the commissioners and submit his claim for negligence on the part of the opposite commissioner. The meeting shall then decide to refer the case to higher authorities through diplomatic channels.

Note. Frontier region shall constitute an area 25 kilometers from the frontier line on each side into the country concerned. 11

Article 6. Frontier commissioners can settle disputes concerning minor incidents such as theft of animals, etc, through correspondence. When necessary, they can send a complainant together with his witnesses to the other commissioner to file his claim and demand justice. Under such circumstances, these persons crossing the frontier lines shall be exempted from the passport and visa regulations. They shall also not be arrested or held by the authorities of the other country.

When the dispute is not settled through this procedure, the frontier commissioners shall make arrangement for a meeting to discuss and settle the outstanding issues. Such meeting shall take place at a place agreed by both the commissioners. Meetings shall normally rotate between the territories of the two countries on either side of the frontier line concerned.

Article 7. When the commissioners fail to settle an issue through their normal procedure, the matter shall be referred to higher authorities through diplomatic channels.

Article 8. When frontier commissioners or their deputies meet, they shall observe the following regulations.

A. When a commissioner or his deputy wishes to visit his opposite number, he shall inform the opposite number beforehand and state the point at which he wishes to cross the frontier. The latter commissioner shall send some guards to receive and guide the visiting commissioner to the place of the meeting. The minutes of a meeting shall be drawn up only by the commissioners or their authorized deputies.

B. Frontier commissioners can carry a revolver when they cross the frontier to visit their opposite numbers; but their companions and attendants cannot carry any arms.

C. Frontier commissioners or their deputies shall take the minimum necessary number of attendants with them when they cross the frontier for any official business. They shall inform their opposite number of the route they intend to take in the territories of the other country; the route is subject to mutual agreement between the two commissioners concerned.

Article 9. The frontier commissioners and their deputies shall have the following rights and privileges.

A. When a frontier commissioner crosses the frontier for official business, his life and property and those of his companions shall be protected, provided that he has informed his opposite number of his intended crossing and provided that he is crossing the frontier for official business.

B. Frontier commissioners and their deputies shall go to the joint meetings in their uniform.

C. Frontier commissioners and their attendants shall take the minimum requirement in goods and property when they cross the frontier. They shall be subject to customs inspection but they shall be exempt from any customs duties.

Article 10. Deputies of a frontier commissioner shall operate under the supervision of their respective commissioners. But the opposite commissioner shall be informed of the duties and responsibilities of the deputies of his opposite commissioner.

Article 11. Appointment and introduction of frontier commissioners and their deputies shall be made through official correspondence and through diplomatic channels.

Article 12. When a frontier commissioner is leaving his post, he shall inform his opposite commissioner of the name of the person in charge of the post.

Article 13. When it is necessary to make any changes in the region of operation of a commissioner or in his duties, the matter shall be subject to agreement of both states concerned. Such agreements shall be sought through official correspondence.

Article 14. Both sides have agreed not to charge any commission or any other charges for recovering stolen property and returning it to the side of the frontier to which it belonged originally.

Article 15. This agreement shall be presented to the legislative organizations of both the states for ratification. It will be signed in Kabul, and its documents shall be exchanged in Teheran as soon as possible.

This agreement shall be put into force 15 days after the exchange of documents and it shall remain in force for a period of two years. The agreement shall automatically be renewed for each successive 2 years provided that no party has filed for its nullification 3 months before the date of expiration.

[signed]

Mohammad Hashem Meywandwal
Nasrullah Behnam